

REMARKS

Applicant has amended the Claim 1. Applicant respectfully submits that the amendments to the Claim 1 do not raise any new issues which require further consideration and/or search, since the whereby clause added to Claim 1 is inherent in the structure claimed. In addition, Applicant respectfully submits that the differences between the inherent structure of claim 1 and the cited art have been previously discussed in the remarks of Applicant's prior amendment, and as a result further do not raise any new issues which will require any further consideration and/or search. In addition, Applicant respectfully submits that the amendments to the Claim 1 are supported by the application as originally filed. Therefore, the Final Office Action will be discussed in terms of the claims as amended.

The Examiner has rejected the Claims 1 and 2 under 35 U.S.C. 112, first paragraph, stating that the specification as originally filed does not recite that the vertical rods and horizontal rods are "welded and integrated." In reply thereto, Applicant directs the Examiner's attention to page 4, lines 9-11 wherein it clearly states:

"The main body guard 1 is comprised of a pair of semi-circular guards 10A, 10B in which a plurality of vertical rods 11 and semi-circular horizontal rods 12 at upper and lower end portions are welded and integrated."

Applicant respectfully submits that the description above was contained in the application as originally filed, and therefore, the Claims 1 and 2 comply with the requirements of 35 U.S.C. 112, first paragraph.

The Examiner has rejected the Claims 1 and 2 under 35 U.S.C. 103 as being obvious over Nakamura, et al., stating that Nakamura, et al. states in Figures 1-8 the invention substantially described in Applicant's claims 1 and 2 including a circular heat guard that includes an upper guard 18 and a circular main body guard 20 that is considered to be made up of a pair of left and right semi-circular cylinders, fixing and connecting rods 30 include the mounting, support, and locking portions with horizontal portions formed by bending elongated portion structures that integrate the upper guard and main body guard as recited in the claims with the locking portions considered to form the locking spaces and the locking clearances as recited; but Nakamura, et al. discloses that the vertical bars of the main body are integrated with the top and bottom horizontal bars but does not expressly disclose that these bars are welded; however, it would be obvious to one of ordinary skill in the art to modify Nakamura, et al. to weld the parts together.

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Applicant has carefully reviewed Nakamura, et al., and respectfully submits that there are more unobvious differences between Applicant's claimed invention and Nakamura, et al. than are recognized by the Examiner. In particular, Applicant's review of Nakamura, et al. indicates that the upper body guard 18 and the lower body guard 20 are not separated from each other, or removed from the circular heater for storage. In particular, the heater guard comprising the upper guard 18 and lower guard 20 are fixed to the circular heater and merely telescope into each other to shorten the overall height of the stove guard for storage. Applicant respectfully submits that there is nothing in Nakamura, et al. to suggest that the stove guard would be removable from the stove or separable into three pieces or parts, an inherency of the Claim 1 of Applicant's application. In addition, contrary to the suggestion by the Examiner, there is nothing in Nakamura, et al. which suggests that the main body guard would be in two separate semi-circular pieces comprising right and left semi-cylinders.

In view of the above, therefore, Applicant respectfully submits that Applicant's invention as claimed by Claims 1 and 2 are not obvious over Nakamura, et al.

In view of the above, therefore, it is respectfully requested that this Rule 116 Amendment be entered, favorably considered and the case passed to issue.

Please charge any additional costs incurred by or in order to implement this Rule 116 Amendment or required by any requests for extensions of time to KODA & ANDROLIA  
DEPOSIT ACCOUNT NO. 11-1445.

Respectfully submitted,

KODA & ANDROLIA

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